

CHAPTER 17¹

FENCING REGULATIONS

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14-17-101 PURPOSE

The purposes for the fence regulations provisions are:

- A. To allow a wide variety of fence styles and construction.
- B. To promote property security, privacy and architectural compatibility.
- C. To promote vehicular and pedestrian safety through safe fence placement and height to allow proper visibility standards.

14-17-102 SCOPE

The term "fence" shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screening material, wall, hedge, or continuous growth of shrubs or trees with the purpose of or having the effect of preventing passage or view across the fence line. For purposes of this Chapter, single shrub plantings shall not constitute a hedge if the closest distance between the foliage of any two (2) plant is at least five (5) feet.

14-17-103 CLEAR VIEW OF INTERSECTING STREETS

In all districts which require a front yard, no obstruction to the view of vehicular and pedestrian traffic shall be placed on any corner lot within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection of the street curb lines, except those fences which comply with the fence regulations of this Chapter and landscaping pruned in accordance with the following:

¹Amended 8/26/98 Ordinance No. 98-15

- (a) Solid fences, walls, or other structural screening material greater than two (2) feet in height.
- (b) Nonsolid, open type fencing, which is in excess of four (4) feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties and streets.
- (c) Shrubs, bushes, plants or plant growth higher than 2 feet above ground level.
- (d) Trees with branches less than 7 feet above ground level which overhang or extend into the clear vision area.
- (e) Ground or monument signs.
- (f) Any other obstruction of any sort which interferes with the safety of pedestrians or traffic.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.

14-17-104 FENCE HEIGHT

A. Interior Lot. Except for Subsection D, no fence, wall, hedge, or other screening material shall be erected, allowed, or maintained higher than three (3) feet within any required front yard setback area in all residential zones. Solid opaque type fencing, walls, hedges, or screens are limited to three (3) feet in height. Other nonsolid, open type fencing, which is seventy-five (75) percent open and present no visual barriers to adjoining properties and streets, may be constructed to a height not to exceed four (4) feet. In any side or rear yard area, fencing may be constructed to a maximum height of six (6) feet with standard type fencing material.

B. Corner Lot. Except for Subsections C and D, fences, walls, hedges, or other screening material greater than three (3) feet in height are permitted within the street side yard setback area, provided that such fence, wall, hedge or other screening material does not exceed six (6) feet in height and is not located within the clear vision area as defined in Section 14-17-103 of this Chapter. Fencing which is located in the clear vision area is limited to solid opaque type fencing, walls, hedges or screen, no higher than two (2) feet in height. Other nonsolid, open type fencing, which is seventy-five (75) percent open and present no visual barriers to adjoining properties and streets, may be constructed to a height not to exceed four (4) feet.

C. Corner Lot - Exceptions. For the purpose of providing adequate site vision of vehicular and pedestrian traffic, the following exceptions apply:

- 1. Where a fence is located adjacent to a driveway on an adjoining lot, the maximum fence height shall be three (3) feet for solid, opaque fencing or four (4) feet for

nonsolid, open fencing to a minimum ten (10) foot setback, if the adjoining driveway is within fifteen (15) feet of the fence.

2. Where a driveway accesses the primary garage or parking area on a lot from the street side yard, the maximum fence height shall be two (2) feet for solid, opaque fencing or four (4) feet for nonsolid, open fencing to a minimum twenty (20) foot setback. Driveways which access a secondary, limited use garage or parking area on a lot from the street side yard may be exempted from this requirement provided: (a) said driveway access is separate from and not on the same street frontage as the primary driveway, and (b) the fencing will not constitute a hazard to traffic on the street, traffic entering or existing the driveway onto the street, or to pedestrians.²

D. Exception for Lots Fronting on Major Streets. Fences, walls, hedges, or screening material on lots fronting on major arterials or through streets may be six (6) foot high at a twenty (20) foot setback to provide additional privacy and reduce the noise from the street. For purposes of this Section, major arterials and through streets shall include:

Main Street/Hwy 89
200 West/Hwy 106 from 500 South to the north City limits
500 West/Hwy 91
Orchard Drive
400 East from 500 South to north city limits
Davis Boulevard
Bountiful Boulevard
1600 North/Pages Lane
1000 North
400 North
500 South
1500 South from 500 West to Orchard Drive
1800 South/Mueller Park Road
3100 South

E. Other Height Exceptions.³ Fences enclosing recreational facilities (whether private or public), such as tennis courts, swimming pools, ball diamonds, etc., may be allowed up to ten (10) feet in height, as long as they are not site obscuring, are located at least five (5) feet away from the property line, and are not within the minimum front yard setback area. Fences that are greater than ten (10) feet in height and/or closer than five (5) feet to the property line may be permitted with a conditional use permit or through the site plan review process. Property owners abutting the Interstate freeway system may erect a fence to a height not exceeding eight (8) feet on the property line adjacent to the freeway right-of-way.

²Amended 1/8/2002 Ordinance No. 2002-1

³Amended 8/10/2004 Ordinance No. 2004-13

F. Public Utilities and Buildings - Exceptions. Fences required by State law to surround or enclose public utility installations, public schools or other public buildings shall be exempt from these height restrictions but shall meet other pertinent State and local requirements.

14-17-105 NONRESIDENTIAL FENCING REGULATIONS

A. Interior Lot.

No fence, wall, hedge or other screening material shall be erected, allowed, or maintained on interior lot higher than six (6) feet when located a minimum distance of ten (10) feet from the front property or street right-of-way line. Any fence, wall, hedge, or screening material within the first ten (10) feet of the front yard setback shall not be erected to a height greater than three (3) if a solid, opaque fence or four (4) feet if a nonsolid, open fence.

B. Corner Lot.

On corner lots, no fence wall, hedge, or screening material shall exceed three (3) if a solid, opaque fence or four (4) feet if a nonsolid, open fence and located within the first ten (10) feet of a front or side yard setback adjacent to a street. Fences, walls, hedges, and other screening material may not exceed six (6) feet in height in the remainder of any front, side, or rear yard area.

14-17-106 GRADE DIFFERENTIAL

Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

14-17-107 RETAINING WALLS

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the property line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if not retaining wall existed.

14-17-108 VACANT LOTS

For the purpose of this Chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by this Ordinance. In any required side or rear yard on vacant lots, the maximum height of fences or other similar structures shall be six (6) feet.

14-17-109 NONCONFORMING FENCES

Nonconforming fences shall not be reconstructed except in conformance with the requirements of this Chapter.

14-17-110 BARBED WIRE AND ELECTRICAL FENCE RESTRICTIONS

A. Barbed Wire. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any similar device except where it is attached at the top of a fence or similar structure at a height not less than six (6) feet above the ground. In such cases, no more than three (3) strands of barbed wire, strung tightly and not coiled, shall be allowed and not be included in the overall height requirement of the fence.

B. Electrical Fences. It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge.

40' MINIMUM CLEAR VISION AREA TYPICAL

40'

40'

RESIDENTIAL STREET

REQUIRED FRONT YARD SETBACK VARIES

6' HIGH FENCE AREA

20' SETBACK MINIMUM

MAJOR ARTERIAL STREET

3' OPAQUE FENCE, 4' OPEN FENCE AREA

TREES SHOULD BE TRIMMED TO 7' ABOVE GROUND

IF DRIVEWAY IS 15' OR LESS FROM PROPERTY LINE FENCE SETBACK SHOULD BE 10' MINIMUM

40' MINIMUM CLEAR VISION AREA TYPICAL

RESIDENTIAL STREET